

United States Environmental Protection Agency

Region III

CLERK
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In the Matter Of:)
The DCI Circuits Site)
)
DCI Circuits, Inc.)
Plumsteadville, Pennsylvania)
and)
Cirflex Systems, Inc.)
Huntingdon Valley Industrial Park)
Heaton Road)
Huntingdon Valley, PA 19006)
and)
Philmont Corporation)
1066 Holland Road)
Holland, PA 18956)

Respondents)

Docket No.: III-87-18-DC

Proceeding under Section 106(a)
of the Comprehensive Environmental
Response, Compensation, and
Liability Act of 1980 (42 U.S.C.
§9606(a)), as amended by the
Superfund Amendments and
Reauthorization Act of 1986, Pub.
L. No. 99-499, 100 Stat. 1613 (1986))

ORDER

The following Order is issued to DCI Circuits ("DCI"), CirFlex Systems, Inc. ("CirFlex"), and Philmont Corporation ("Philmont"), (collectively referred to as "Respondents") pursuant to the authority vested in the President of the United States of America by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986, ("SARA") Pub. L. No. 99-499, 100 Stat. 1613 (1986), delegated to the Administrator of the Environmental

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Protection Agency ("EPA") by Executive Order 12580, 52 Fed. Reg. 2923 (1/29/87), and further delegated to the Regional Administrators of EPA. This Order pertains to a property, more particularly described below, located in Plumsteadville, Bucks County, Pennsylvania. The property will hereinafter be referred to as the "DCI site" or "the site".

The actions authorized by this Order are consistent with the National Oil and Hazardous Substance Contingency Plan ("NCP"), 40 C.F.R. §300.65. Notice of the issuance of this Order has been given to the Commonwealth of Pennsylvania.

This Order shall apply to and be binding upon the Respondents and their agents, successors, and assigns and upon all persons, contractors, and consultants acting under or for the Respondents.

Findings of Fact and Conclusions of Law

1. The DCI site is located on Route 611, north of Stump Road, Plumsteadville, Bucks County, Pennsylvania.
2. DCI Circuits, Inc. ("DCI") is a subsidiary of CirFlex Systems, Inc. ("CirFlex"). Both companies were incorporated in the Commonwealth of Pennsylvania and do business in the Commonwealth of Pennsylvania.
3. CirFlex, through DCI, operated a plant at the site at which printed circuit boards were manufactured at the DCI site. The processes employed at the facility used acid solutions, some of which contained heavy metals. Approximately 180 drums and other containers located at the site contained sulphuric acid, hydrochloric acid, nitric acid, fluoboric acid, acetic acid, phosphoric acid, ammonium hydroxide, sodium hydroxide, potassium hydroxide, potassium permanganate, hydrogen peroxide, copper sulfate, ammonium persulfate, 1,1,1 trichloroethane, miscellaneous reagents and other chemicals.

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4. On January 24, 1987, a fire occurred at the facility. As a result of the fire, a number of plastic tanks containing sulfuric acid, fluoboric acid, copper sulfate, lead solutions, and other materials melted and released their contents into the building, and to the environment. Water used to combat the fire carried these materials to other sections of the building and also to the outside of the building.

5. After the fire, field tests conducted by EPA showed that soil and ponded water outside of the building had a pH in the range of 0-2.5. A solid waste with a pH of less than 2.0 indicates a corrosive hazardous substance within the meaning of Section 3001 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6921, and 40 C.F.R. § 261.22. Corrosive hazardous wastes are, therefore, hazardous substances within the meaning of Section 101(14) CERCLA, 42 U.S.C. § 9601(14).

6. Sampling and analysis by a contractor for DCI of the soot which covers the inside of the building on the site revealed the presence of 4 parts per million ("ppm") of cadmium and 36 ppm of lead. Concentrations of 1 ppm of cadmium and 5 ppm of lead are EP toxic, 40 C.F.R. § 261.24.

7. During the fire, part of the roof collapsed, part was burned and part was destroyed by the efforts of the firefighters. Temporary measures were undertaken under the direction of EPA's On Scene Coordinator (OSC), in order to contain the ash and soot which remain in the building. In addition, contaminated soil was removed from the ground and stockpiled on the site. The OSC verbally approved of these actions. The effectiveness of the containment measures will decline in time, and the risk of spreading the contaminants from the building

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into the surrounding area will greatly increase. The contaminants will be exposed to the air, which will threaten the employees who work in the building next to the site, and local residents. When the containment measures fail, rain will enter the building, and the contaminants will flow from the building, into a small, unnamed creek, and eventually flow into the Delaware River.

8. Debris from the fire and other material present at the site are "hazardous substances" as defined in Section 101(14) of CERCLA, as amended, 42 U.S.C. § 9601(14).

9. Hazardous substances have come to be located in and around the DCI site and it is, therefore, a "facility" as defined in Section 101(9) of CERCLA, as amended, 42 U.S.C. § 9601(9).

10. The presence of hazardous substances on the site presents a threat of "release" as defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22) and within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), as amended.

11. The owner of the land and building which comprise the DCI site is Philmont Corporation, incorporated in the Commonwealth of Pennsylvania. Philmont Corporation is a "person" within the meaning of 101(21) of CERCLA, 42 U.S.C. § 9601(21), and is a responsible party pursuant to Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).

12. DCI is a wholly owned subsidiary of CirFlex. DCI leased the site from the Philmont Corporation, and manufactured circuit boards there. DCI is a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and is a responsible party pursuant to Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).

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13. CirFlex owns and operates DCI. CirFlex is a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21) and is a responsible party pursuant to Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).

DETERMINATION

14. Based upon the Findings of Fact and Conclusions of Law, the EPA Regional Administrator for Region III has determined that there may be an imminent and substantial endangerment to the public health, welfare, or the environment because of the release or threat of release of hazardous substances from the site.

15. The Regional Administrator has determined that the actions set forth below are necessary to protect public health and welfare and the environment.

ORDER

16. Within 48 hours of the effective date of this Order, Respondents shall retain a qualified contractor who is approved by EPA to conduct the necessary activities as set forth in Paragraphs 16 through 21 below.

17. Respondents shall remove and properly dispose of all hazardous substances stored outside the building, placed on the ground outside the building, or otherwise found on or in the ground outside the building at the DCI site, in accordance with RCRA.

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18. Respondents shall remove and properly dispose of all hazardous substances, found within the building in accordance with RCRA. This specifically includes but is not limited to spillage, contamination, and debris caused by the fire.

19. EPA specifically reserves the right to disapprove the contractor or subcontractor chosen by Respondents to perform the work required by this Order, and the choice of disposal site. In the case of disapproval, Respondents will replace the disapproved contractor or site with an EPA approved contractor or site.

20. Respondents shall submit a Work Plan to EPA for the decontamination of the building and contents. The Work Plan must be approved as contemplated in Paragraph 26 of this Order before the work on the building and equipment decontamination starts. The Work Plan should include but not be limited to, a safety plan, methods of decontamination, methods of disposal of waste from the decontamination process, methods of disposal of contaminated equipment (if any), staffing levels, and a time schedule. The Work Plan shall be submitted to the Project Officer for approval. Once approval is given, pursuant to the procedures outlined in Paragraph 26 hereof, Respondents shall immediately commence implementation of the Work Plan and complete all work in accordance with the approved time schedule.

21. Subsequent to completion of work, Respondents shall provide a final report to EPA and such interim reports as the EPA Project Manager may request. EPA specifically requires a report on the soil removal and

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18. Respondents shall remove and properly dispose of all hazardous substances, found within the building in accordance with RCRA. This specifically includes but is not limited to spillage, contamination, and debris caused by the fire.

19. EPA specifically reserves the right to disapprove the contractor or subcontractor chosen by Respondents to perform the work required by this Order, and the choice of disposal site. In the case of disapproval, Respondents will replace the disapproved contractor or site with an EPA approved contractor or site.

20. Respondents shall submit a Work Plan to EPA for the decontamination of the building and contents. The Work Plan must be approved as contemplated in Paragraph 26 of this Order before the work on the building and equipment decontamination starts. The Work Plan should include but not be limited to, a safety plan, methods of decontamination, methods of disposal of waste from the decontamination process, methods of disposal of contaminated equipment (if any), staffing levels, and a time schedule. The Work Plan shall be submitted to the Project Officer for approval. Once approval is given, pursuant to the procedures outlined in Paragraph 26 hereof, Respondents shall immediately commence implementation of the Work Plan and complete all work in accordance with the approved time schedule.

21. Subsequent to completion of work, Respondents shall provide a final report to EPA and such interim reports as the EPA Project Manager may request. EPA specifically requires a report on the soil removal and

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disposal, and a report on the removal and disposal of hazardous substances and chemicals from the building. All reports are to be submitted for approval by EPA's Project Officer (PO) in accordance with the terms of Paragraph 26 hereof.

22. Documents, including reports, approvals, disapprovals, and other correspondence to be submitted pursuant to this Order, shall be sent by certified mail to the following addresses:

1) Documents to be submitted to EPA should be sent to:

Dr. Walter P. Lee (3HW14)
CERCLA Removal Enforcement Section
U.S. EPA, Region III
841 Chestnut Building, 6th Floor
Philadelphia, PA 19107

2) Documents to be submitted to the Respondent shall be sent to:

Mr. Roger T. Burke
CirFlex Systems, Inc.
Huntingdon Valley Industrial Park
Heaton Road
Huntington Valley, PA 19006

Mr. John J. McGowan
Philmont Corporation
1066 Holland Road
Holland, PA 18966

The individual listed under EPA above is the Project Officer.

23. Any transportation of hazardous substances from the site shall be accomplished by a licensed hazardous waste hauler, using the manifest procedure mandated by 40 C.F.R. §263.10 et. seq., and taken to a disposal or treatment facility approved by EPA pursuant to RCRA or treated in a manner approved by EPA.

24. Respondents shall comply with all applicable Federal, State, and local government statutes, regulations, and ordinances when carrying out activities pursuant to this Order.

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25. All work required by this Order must be performed in accordance with the Occupational Safety and Health Administration's rules and regulations governing hazardous waste operations, 29 C.F.R. Part 1910.

26. Throughout this Order, reference is made to either EPA approval or the Project Officer's ("PO") approval. Whenever such approval is necessary, it shall be given to Respondents by the Project Officer or his designee, in writing. If approval is not granted, the PO shall specify the necessary corrections, additions or amendments. Respondents shall then be given 48 hours within which to correct or amend its submission to the PO. If after such correction or amendment, the PO continues to deny approval, Respondent shall incorporate the PO's specific suggestions into the particular submission.

27. Respondents shall make available to the Project Officer, upon request and/or as necessary, any and all information resulting from and/or pertaining to any actions taken by the Respondents at and around the DCI site including, but not limited to, sampling results, names of disposal facilities, identification of haulers, names of contractors, copies of manifests, and information as to unforeseen conditions which might become known as abatement activities progress.

28. Respondents shall grant the Project Officer, his designee, and any EPA employee, contractor, or other authorized representative access to the DCI Site to take samples, or to split samples with Respondents, and to monitor the actions taken pursuant to this Order. This right of access shall be in addition to EPA's authority granted by Section 104 of

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CERCLA, 42 U.S.C. §9604, or any other statutory authority.

29. The absence of the EPA Project Officer or his designee from the site shall not be cause for the stoppage of work required by the terms of this Order.

30. No change in ownership or corporate or partnership status relating to the site will in any way alter the status of the Respondents or in any way alter the Respondents' responsibilities under this Order. Respondents shall notify EPA of any change in ownership or corporate or partnership status. Respondents shall notify any successor, in interest or anyone who may obtain any right or title of interest in the DCI site, in writing, of the existence of this Order, and of Respondents' obligations hereunder.

31. The Respondents shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants retained to conduct any portion of the work performed pursuant to this Order within 2 days of the effective date of such retention.

32. Any reports, plans, specifications, schedules, and attachments required by this Order and approved by EPA in accordance with the procedure set in Paragraph 26 are incorporated into this Order. Any non-compliance with such EPA approved reports, plans, specifications, schedules, and attachments shall be considered a failure to achieve the requirements of this Order.

33. Respondents and EPA's PO or his designee shall arrange a final inspection of the site following completion of the measures described above to verify compliance with the requirements of this Order.

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34. During the course of the Respondents' actions taken pursuant to this Order the PO may halt site activity if there is an imminent and substantial endangerment to public health, welfare of the environment due to unsafe working conditions or improper work practices, or any changed or unanticipated problems, conditions, or events.

35. Notwithstanding any other provisions set forth herein, EPA reserves the right to take appropriate action, including, but not limited to, the right to seek monetary penalties, for any violation of law or this Order, or to abate any release which threatens human health, welfare or the environment. These actions shall include but not be limited to, the issuance of additional Orders under Section 106(a) of CERCLA, 42 U.S.C. §9606(a), the taking of necessary response action under Section 104(a)(1) of CERCLA, 42 U.S.C. §9604(a)(1), and the institution of suit for recovery of response costs pursuant to Section 107 of CERCLA, 42 U.S.C. §9607.

36. This Order shall become effective upon receipt by Respondents.

PENALTIES FOR NON-COMPLIANCE

37. Respondents may, within 24 hours of the effective date of this Order, orally contact EPA to request a conference to discuss the terms of this Order. Respondents shall submit written confirmation of any such request within 24 hours of such request. A request for a conference shall not, however, stay this Order. Respondents are advised that willful violation by failure or refusal to comply with this Order, or any provision

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thereof, may subject the Respondents, pursuant to Section 106(b), 42 U.S.C. § 9606(b), to a civil penalty of not more than \$25,000 for each day in which such violation occurs or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause, may subject Respondents, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. §9607 (c)(3), to liability for punitive damages in an amount up to three times the amount of any costs incurred by the government as a result of failure by Respondents to take proper action.

DATED: 5/13/87

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

BY: 

JAMES M. PELE
REGIONAL ADMINISTRATOR
EPA REGION III

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We acknowledge that we have received and read this Order and hereby inform EPA of our intention to fully comply with the Order's terms and requirements.

We waive any rights we may have to petition for reimbursement of costs pursuant to Section 106(b) of CERCLA, 42 U.S.C. §9606(b).

DCI Circuits, Inc.

DATE: _____

BY: _____
Roger T. Burke
Vice President

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We acknowledge that we have received and read this Order and hereby inform EPA of our intention to fully comply with the Order's terms and requirements.

We waive any rights we may have to petition for reimbursement of costs pursuant to Section 106(b) of CERCLA, 42 U.S.C. 9606(b).

CirFlex Systems, Inc.

DATE: _____

BY: _____
Millard Hendrickson
President

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We acknowledge that we have received and read this Order and hereby inform EPA of our intention to fully comply with the Order's terms and requirements.

We waive any rights we may have to petition for reimbursement of costs pursuant to Section 106(b) of CERCLA, 42 U.S.C. §9606(b).

Philmont Corporation

DATE: _____

BY: _____
John J. McGowan
President

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